

Notice of Allowability

Application No.

10/601,973

Examiner

Hargobind S. Sawhney

Applicant(s)

SIMON, JEROME H.

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 4/17/2006.
2. ☒ The allowed claim(s) is/are 1-16 and 18-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>6/14/06 & 6/19/06</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>2/2/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. The amendment filed on April 17, 2006 has been entered. Accordingly, Claims 16, 22, 27 and 30 have been amended.
2. On June 14, 2006, the examiner and the attorney, Mr. Harvey Kaye, discussed the previously presented independent claims 1, 16, 27 and 30. The examiner informed Mr. Kaye with the following:
 - Preambles of all independent claims, either previously presented or currently amended, need minor re-phrasing for enhance clarity;
 - Claims 1-12 still retain the "Claims Allowed" category as indicated in the previous non-final office action mailed on January 13, 2006; and
 - In light of the prior art Dejonc (US Patent No.: 4,159,511), technical clarification and/or rephrasing of a few limitations of each of the currently amended claims 16, 27 and 30 is needed;

The examiner suggested the following:

Claim 1, line 4, "substantially collimated radial beam comprised of" should be re-phrased as -- substantially collimated radial beam, the optical system comprised of--. The preamble of each of independent claims 5, 16, 27 and 30 should be re-phrased as that suggested for Claim 1 above.

Dejonc (US Patent No.: 4,159,511) still meets the limitations of the currently amended claim 16. However, Claim 16 would be allowed, if it is further

amended with addition of the limitations of the previously presented dependent claim 17, which would require cancellation.

Regarding Claim 30 (currently amended), the examiner indicated that the limitation "a lens at least partially covering said aperture as to not reflect or refract acutely reflected rays of canted radial beam" is confusing, and it does not reflect the embodiment shown in Figure 5, which was identified by the attorney during the discussion. The Examiner suggested cancellation of Claim 30.

Based on the discussion, Mr. Kaye authorized an examiner's amendment requiring the measures as detailed in section 3 of this office action.

A copy of the interview summary is attached herewith.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Harvey Kaye on June 14, 2006.

Cancel claims 17 and 30.

Claim 1 (previously amended), line 4, insert -- , the optical system-- before "comprised of".

Claim 5 (previously amended), line 3, insert -- , the optical system-- before "comprising".

Claim 16 (currently amended), line 5, insert -- , the luminaire -- before "comprised of".

Claim 16 (currently amended), line 7, replace "lamp" with -- light source -- before "comprised of".

Claim 16 (currently amended), line 9, insert --reflector-- after "said".

Claim 16 (currently amended), line 12, replace "not reflect" with --permit--.

Claim 16 (currently amended), line 13, insert --to pass therethrough--after "beam".

Claim 16 (currently amended), line 14, insert -- , said lens being conical in section-- before "luminaire".

Claim 18, line 1, replace "17" with --16--.

Claim 19, line 1, replace "17" with --16--.

Claim 27 (currently amended), line 4, insert -- , the luminaire-- before "comprised of".

Claim 27 (currently amended), line 7, replace "lamp" with -- light source -- before "comprised of".

Claim 27 (currently amended), line 12, replace "optical axis" with --light source and receiving light directly from the light source --.

Claim 27 (currently amended), line 14, insert "from said reflector system-- after " beams --.

Allowable Subject Matter

4. Claims 1-16 and 18-29 are allowed.

The prior art of record, including Davis et al. (US Patent No.: 4,969,074), Dejong (US Patent No.: 4,159,511) and Pennow (US Patent No.: 2,359,151) does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose an optical system assemblies combining:

- a segmented radial disk located on the optical axis, and the radial disk including parabolic or elliptical radial segments having their focal points coinciding with a quasi point source as recited in each of the previously presented independent claims 1 and 5;
- a conical lens at least partially covering the aperture; and the conical lens not permitting acutely reflected rays of the canted radial beams to pass therethrough as recited in previously presented independent claim 16;
- a reflector system at least partially covering the lamp; and surfaces of the reflector system shaped for collection, collimation and reflection of light directly received from the quasi-point light source as recited in currently amended independent claim 27; and
- a canted collimating ring, positioned around the source, receiving light directly from the light source; and the canted collimating ring collimating a radial beam substantially parallel to the reflected beams from the reflector system as recited in currently amended independent claim 27.

The above-indicated combination, including a conical lens and a segmented radial disk having its parabolic or elliptical segments with their focal points coinciding with the light source, makes this invention unique.

Neither combined nor individual teaching of Davis et al. ('074), Dejonc ('511) and Pennow ('151) discloses an optical system including a conical lens and a segmented radial disk and their respective positioning as claimed by the applicant.

Therefore independent claims 1, 5, 16 and 27 are allowed over prior art.

Claims 2-4 and 7-15 are necessarily allowed because of their dependency on the allowed base Claim 1.

Claim 6 is necessarily allowed because of their dependency on the allowed base Claim 5.

Claims 18-26 are necessarily allowed because of their dependency on the allowed base Claim 16.

Claims 28 and 29 are necessarily allowed because of their dependency on the allowed base Claim 27.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 8:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS
6/20/2006


ALI ALAVI
PRIMARY EXAMINER